IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 34104 of 2007(I)
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PETITIONER:
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1. P.C. JOHN, AGED 47 YEARS,
S/O. KURIAN CHACKO, PUKADYIL HOUSE,
KRISHIMATTOM P.O., KOTTAYAM DISTRICT, RESIDING AT
F24-POLICE QUARTERS, COLLECTORATE P.O., KOTTAYAM
(ASI K-4443).

2. T.R. HARIDASAN NAIR, AGED 48,
S/O. RAVINDRAN NAIR, MADHU NIVAS,MARIYANTHURUTH PO
KOTTAYAM (HC K-4709).

3. R. RAVIKUMAR, AGED 49,
S/O. RAGHAVAN PILLA, AMBADIKANDATHIL,
VEMBILLY P.O., KOTTAYAM (HC K-4774).

4. V.K. DAMODARAN, AGED 47 YEARS,
S/O. P.I.KUMARAN, VELIYAMKKUNNATH HOUSE,
PARAMPUZHA P.O., KOTTAYAM (HC K-4675).

5. P.D. UNNI, AGED 46 YEARS,
S/O. DIVAKARAN, KADAVIL HOUSE, POLLESSERY,
VAIKOM P.O., KOTTAYAM DISTRICT (HC K-1570).

6. T.M. BIJU, AGED 37,
S/O. T.D. MICHAEL, THEKKUMMURIYIL, THELLAKOM P.O.,
KOTTAYAM DISTRICT (PC K-5810).

7. V.T. SREENIVASAN, AGED 35 YEARS,
S/O. V.S.THANKAPPAN, THACHETHU HOUSE,
KOTHANALLOOR P.O., KOTTAYAM DISTRICT (PC K-6097).

8. K.V. SANTHOSH, AGED 36 YEARS,
S/O. VELAYUDHAN, KADAVILPARAMBIL, POLLESSRY,
VAIKOM P.O., KOTTAYAM DISTRICT (PC K-6411).

BY ADV. SRI.VIJU THOMAS
SMT.M.MEENA JOHN

RESPONDENTS:
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1. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

2. DISTRICT SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE, KOTTAYAM.

3. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**V.GIRI, J.**

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**W.P.(C)No.34104 of 2007**

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**Dated this the 29th day of November 2007**

**JUDGMENT**

The petitioners are Constables in the Home department. They are aggrieved by the fact that they are now transferred out of Kottayam district. Ext.P1 is the order issued in that regard by the second respondent, pursuant to the instructions issued in that behalf by the first respondent Director General of Police.

2. On instructions, learned Government Pleader submits that apparently there was some complaint registered against the petitioner, and an oral enquiry is also underway. Though the order of transfer is not intended as punishment, the department thought it appropriate to see that the petitioners are posted outside the District. No permanent detriment as such is contemplated by the order of transfer.

3. Learned counsel for the petitioners submits that the petitioners are put to extreme personal hardship on account of the transfer outside the district. He further submits that all of them had opted for Kottayam District, but they are posted outside. He further contends that the order of transfer is politically motivated. In my

view, if the petitioners are aggrieved by Ext.P1 order of transfer on the grounds which are personal, then they may bring it to the notice of the government by means of a representation submitted in relation to the order of transfer on the basis of which Ext.P1 has been issued. If they file representations within one month, the third respondent shall look into them seriously and take a decision after hearing one among the petitioners within a period of one month thereafter. If the intention is to see that the petitioners are kept outside the Kottayam District for administrative reasons, the government may also consider whether postings could be given to them in districts adjacent to Kottayam so as to alleviate any personal hardship that might be caused to them. Government shall take a decision within one month from the date of receipt of the representations.

Subject to the above, the writ petition is disposed of.

**V.GIRI, JUDGE**

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